

REMARKS

Twenty-five claims were originally filed in the present Application. Claims 1-25 currently stand rejected under 35 U.S.C. § 102 and 35 U.S.C. § 103. Claims 1-13, 15-17, and 21 are amended, and new claims 26 and 27 are added herein. Reconsideration of the Application in view of foregoing amendments and the following remarks is respectfully requested.

35 U.S.C. § 102

In paragraph 2 of the Office Action, the Examiner rejects claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,501,441 to Ludtke (hereafter Ludtke). The Applicant respectfully traverses these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicant submits that Ludtke fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 1, 17, and 21, Applicant responds to the Examiner’s rejections as if applied to amended independent claims 1, 17, and 21 which now recite an electronic network that is “implemented with different types of consumer electronic devices in a home environment” which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

Ludtke essentially teaches dividing video frames into subsections and simultaneously displaying the subsections on multiple adjacent display devices that are arranged in a contiguous array (see column 3, line 11 to column 4 line 59). Ludtke is therefore limited to displaying *image data* on a plurality of the *same type of devices* (display devices). Furthermore, the device “latency” discussed in Ludtke is the same for all the display devices.

In contrast, Applicant discloses and claims an electronic network that is implemented with different types of electronic devices. In addition, Applicant discloses and claims “calculating an individual triggering time for each device” and “utilizing said individual triggering time for each device . . . to perform said scheduled action.”

Regarding the Examiner’s rejection of dependent claims 2-16, 18-20, and 22-25, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

Furthermore, with respect to dependent claim 6, Applicant submits that Ludtke nowhere teaches or discloses that “every device” (i.e., the display devices) “calculates its individual trigger time itself,” as claimed by the Applicant. For at least the foregoing reasons, Applicant therefore respectfully requests reconsideration and allowance of dependent claims 2-16, 18-20, and 22-25, so that these claims may issue in a timely manner.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Ludtke to identically teach or suggest the claimed invention, Applicant respectfully requests reconsideration and allowance of claims 1-25, so that these claims may issue in a timely manner.

35 U.S.C. § 103

In paragraph 4 of the Office Action, the Examiner rejects claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,038,195 to Farmwald (hereafter Farmwald). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicant maintains that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of independent claims 1, 17, and 21,

Applicant responds to the Examiner's rejections as if applied to amended independent claims 1, 17, and 21 which now recite an electronic network that is "*implemented with different types of consumer electronic devices in a home environment*" which are limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto.

Farmwald essentially teaches a bus architecture to support a master-slave memory system with multiple storage memories (see column 3, line 41 to column 4 line 47). Farmwald is therefore limited to performing *memory operations* on a plurality of the *same type of devices* (storage memories). Furthermore, the bus architecture and storage memories of Farmwald are implemented within a single electronic device.

In contrast, Applicant discloses and claims an electronic network that is implemented with different types of consumer electronic devices. Regarding the Examiner's rejection of dependent claims 2-16, 18-20, and 22-25, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

In the rejections of claims 1-25, the Examiner concedes that "FARMWALD does not teach that the devices are part of a home network." Applicant concurs. The Examiner then states that "Official Notice is taken in that it is well known in the art that home devices are peripheral devices and therefore would be obvious

to one skilled in the art” Applicant respectfully traverses the Examiner’s conclusion, and submits that Applicant’s claimed “consumer electronic devices in a home environment” are not analogous to the individual electronic components (memories) and corresponding bus structure taught by Farmwald.

Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 1-25, so that the present Application may issue in a timely manner. Furthermore, the Court of Appeals for the Federal Circuit has held that “obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination.” In re Geiger, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987).

Applicants submit that the cited reference, in combination with the Official Notice, do not suggest a combination that would result in Applicant’s invention, and therefore the obviousness rejections under 35 U.S.C §103 are improper. Applicants therefore respectfully request the Examiner to cite references in support of the Official Notice, and to also indicate where an explicit teaching to combine the cited reference may be found. Alternately, the Applicants request that the Examiner reconsider and withdraw the rejections of claims 1-25 under 35 U.S.C §103.

For at least the foregoing reasons, the Applicants submit that claims 1-25 are not unpatentable under 35 U.S.C. § 103 over Farmwald, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicant therefore

respectfully requests reconsideration and withdrawal of the rejections of claims 1-25 under 35 U.S.C. § 103.

New Claims

Independent claim 26 and dependent claim 27 are added. Applicant believes that independent claim 26 distinguishes over the cited prior art because, for example, the claim recites two in-home electronic devices that perform different functions (“device functionality”). Further, claim 26 recites that the first and second electronic devices are “in-home” devices. And, claim 26 recites that triggerings for the different in-home electronic device functions occur via an in-home network. Dependent claim 27 further distinguishes over the cited prior art by reciting, for example, that triggering times differ for the two in-home electronic devices so that actions performed by the two in-home electronic devices occur substantially simultaneously, as recited in claim 26. Accordingly, new claims 26 and 27 are patentable over the cited prior art.

Certified Copies Of Priority Documents

As discussed in the immediately preceding Response to Office Action, the Office Action Summary for the prior Office Action stated that “[n]one of the certified copies of the priority documents have been received.” The Office Action Summary also stated “[s]ee attached detailed Office Action for a list of the certified copies not received.” Applicant has pointed out that the prior Office Action contained no such list of certified copies not received. The Applicant therefore

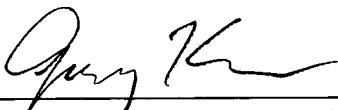
again respectfully requests the Examiner to provide a list of certified copies not received, or to explicitly indicate that no priority documents are required.

Summary

Applicant submits that the foregoing remarks overcome the Examiner's rejections under 35 U.S.C. §102 and 35 U.S.C. §103. Because the cited references, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicant therefore submits that the claimed invention is patentable over the cited art, and respectfully requests the Examiner to allow claims 1-27 so that the present Application may issue in a timely manner. If there are any questions concerning this amendment, the Examiner is invited to contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

Date: 1/26/05

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